

EXHIBIT A

From: Hoffman, Rob
Sent: Wednesday, November 15, 2017 4:14 PM
To: Kenneth Chaiken; 'Karl Stern (karlstern@quinnemanuel.com)'
Cc: Bookhout, James
Subject: Response deadline to Motion to Modify

Ken and Karl,

Given the upcoming Thanksgiving holiday week (during which I will be on vacation) and the fact that our MTD reply brief is due next Monday, will you agree to extend the deadline for filing a response to your Motion to Clarify or Modify Preliminary Injunction until November 30, 2017?

Thanks,

Rob

Rob Hoffman
Partner

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From: Kenneth Chaiken <kchaiken@chaikenlaw.com>
Sent: Friday, November 17, 2017 10:56 AM
To: Hoffman, Rob
Cc: karlstern@quinnemanuel.com; Bookhout, James
Subject: RE: Motion to Clarify

So, in sum, we do not oppose your request for more time. We just want the court know what you refused to agree to, when we asked.

From: Kenneth Chaiken
Sent: Friday, November 17, 2017 10:54 AM
To: 'Hoffman, Rob' <RobHoffman@andrewskurth.com>
Cc: karlstern@quinnemanuel.com; Bookhout, James <JamesBookhout@andrewskurth.com>
Subject: RE: Motion to Clarify

Rob

I do not want to have to address more misrepresentations by you to the court, so I respectfully request that you inform the court of our actual position, which is we do not oppose your request for more time provided you do not oppose our motion to consolidation, which you may do without waiving your ability to file a motion for remand. If you fail to report that to the Court – and I sadly feel certain you will – I will.

And to be clear, given the particular circumstances of the motion, I disagree that your request is a “simple request for a briefing extension.” It is far from simple and you know it.

Ken

From: Hoffman, Rob [<mailto:RobHoffman@andrewskurth.com>]
Sent: Friday, November 17, 2017 10:50 AM
To: Kenneth Chaiken <kchaiken@chaikenlaw.com>
Cc: karlstern@quinnemanuel.com; Bookhout, James <JamesBookhout@andrewskurth.com>
Subject: Re: Motion to Clarify

We do oppose the consolidation, which is entirely different than a briefing extension. The consolidation motion, in our view at least, involves substantive issues and is premature given the probability of a remand. The briefing extension does not involve any substantive issues.

Anyway, I'll note your opposition to our simple request for a briefing extension in spite of the fact that we have always agreed to every briefing extension you ever requested.

Rob

Sent from my iPhone

On Nov 17, 2017, at 10:18 AM, Kenneth Chaiken <kchaiken@chaikenlaw.com> wrote:

Rob

There are many federal court opinions that disagree with your contention about the availability of the removal remedy, especially under the circumstances of this case, including controlling authority in the Western District so I am forced to disagree with your stated legal conclusion. Moreover, I am not asking you to agree to waive any putative right to seek remand your client may have thus you are conflating issues. I merely asked that you agree to consolidation of the cases. You may do so without waiving PNC's right to move for a remand which of course, we would oppose.

So I again state that we will not oppose your motion for more time provided PNC Bank will not oppose our motion to consolidate which I intend to file today with or without your agreement.

Sincerely,

Ken

From: Hoffman, Rob [<mailto:RobHoffman@andrewskurth.com>]

Sent: Friday, November 17, 2017 9:58 AM

To: Kenneth Chaiken <kchaiken@chaikenlaw.com>

Cc: karlstern@guinnemanuel.com; Bookhout, James <JamesBookhout@andrewskurth.com>

Subject: Re: Motion to Clarify

Ken, I'm sorry we cannot agree. Since Texas defendants cannot remove a case to federal court, you're asking us to change long-standing removal law.

Plz let me know if you will agree to the extension of the briefing deadline we requested without tacking on other concessions, just as we have agreed to every briefing extension you have ever requested.
Thanks. Rob

Sent from my iPhone

On Nov 17, 2017, at 9:37 AM, Kenneth Chaiken <kchaiken@chaikenlaw.com> wrote:

We won't oppose your motion for more time provided PNC Bank will not oppose our motion to consolidate the pending and newly filed suit removed from the state district court. Let me know if we have an agreement.

Sent from my iPhone

On Nov 17, 2017, at 8:48 AM, Hoffman, Rob <RobHoffman@andrewskurth.com> wrote:

Ken and Karl,

Given the upcoming Thanksgiving holiday week (during which I will be on vacation) and the fact that our MTD reply brief is due next Monday, will you agree to extend the deadline for filing a response to your Motion to Clarify or Modify Preliminary Injunction until November 30, 2017?

Thanks,

Rob

Sent from my iPhone

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